

DOCKET FILE COPY ORIGINAL

August 11, 1993

Ray J. Vaughan

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED
AUG 16 1993
FCC MAIL BRANCH

In the matter of)
)
Amendment of Section 97.113,) RM-
Prohibited transmissions, to allow)
retransmission of emergency and)
test communications.)

I would like to propose a change to § 97.113(e) to permit the retransmission of government and broadcast stations under certain circumstances.

As a Amateur operator, KD4BBM, and an active volunteer in the Amateur Radio Service (ARES), the Dade County Office of Emergency Management, the Dade County Amateur Radio Public Service Corps (ARPSC) and many other amateur and telecommunications groups, and also as Cable Chair of the Florida State Emergency Communications Committee, I have found a need to improve the communication between amateurs and other communications stations in ways that are not currently permitted in Part 97. My experience with the preparation and aftermath of Hurricane Andrew has reenforced my feeling that this change is necessary.

Considering that:

- the EBS system is about to be overhauled, and
- Radio Amateurs operate automatic radio equipment, namely repeaters and packet systems, and
- the new EBS hardware will be designed to allow for automatic override of program material, and
- the amateur radio operators spend many hours a day monitoring their service's frequencies and are often called upon to provide first line communications in an emergency, and
- the current rules allow for "essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available." (my emphasis)

August 11, 1993

Ray J. Vaughan

I would like to respectfully request the Commission to modify CFR Title 47, Part 97.113(e) to read:

(e) No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except propagation, and weather forecast information intended for use by the general public and originated from United States Government stations and communications, including incidental music, originating on United States Government frequencies between a space shuttle and its associated Earth Stations and the automatic or manual transmission of emergency or warning communications originated by the United States, state or local governments or Broadcast stations and the operational testing of such emergency communication systems on amateur service frequencies above 30 MHz. Prior approval for shuttle transmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur operators. Propagation, weather forecasts, ~~shuttle~~ shuttle retransmissions, emergency retransmissions and tests of emergency communications systems may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.

(To improve the readability of this paragraph it may be preferable to list the permissible retransmissions in separate subparagraphs.)

Intent:

- From a practical standpoint, this change would permit Amateurs to connect their repeaters and packet stations above 30 MHz to the same type of equipment that will be used for the next generation of EBS or to today's equipment. In the event of an emergency or a test of the system, retransmission of government and broadcast stations will be permitted. All amateurs listening to the frequency would hear the message as it is being transmitted to the general public. All other retransmissions of broadcast stations would remain prohibited.
- The proposed modification of the rules will permit radio amateurs to participate in State and Local Operational Area Plans.
- While § 97.403 would seem to permit such transmissions while in an actual state of emergency, there are currently no provisions for test or pre-emergency transmissions while other methods of communication are available. The ability to

August 11, 1993

Ray J. Vaughan

legally test these systems will be essential to their availability in an emergency.

- The reference to manual or automatic operations is to allow retransmission activation at the control of the initiating agency or the amateur control operator.
- The reference to frequencies above 30 MHz is intended to limit possible conflicts with international treaties.

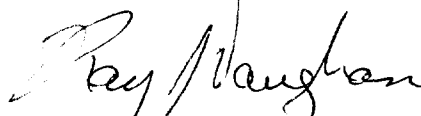
I would like to further recommend that any new rules in Part 73, 99 or any other part regarding the replacement for EBS at least contain a mention of Amateur Radio's voluntary participation in the plan. Stations in other services should be aware that amateurs are interested in, and may be receiving, the emergency and test transmissions.

I would be happy to discuss this with you further. I may be contacted by phone at 305-828-4236 or by mail at:

Ray J. Vaughan, KD4BBM
P.O. Box 5227
Miami Lakes, FL 33014-1227

Thank you for your consideration of this petition.

Respectfully Submitted



Ray J. Vaughan, KD4BBM

cc:

Helena Mitchell, EBS Chief, FCC
Andrew C. Barrett, Defense Commissioner, FCC
John L. Theimer, Engineer in Charge, Miami FCC
Carl Jagielski, Dade County RACES Officer, KA4HLO
Norm Ward, Dade ARPSC Chair, K4RBR
American Radio Relay League